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8                          IN THE UNITED STATES DISTRICT COURT  
9                          FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LESHANE J. HOLMES,

11                          Plaintiff,                          No. CIV S-04-2377 JKS EFB P

12                          vs.

13 STEVE PONCE, et al.,

14                          Defendants.                          FINDINGS AND RECOMMENDATIONS

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16        Plaintiff is a former state prisoner proceeding without counsel in an action brought under  
17 42 U.S.C. § 1983. On February 13, 2009, the postal service returned mail directed to plaintiff as  
18 undeliverable.

19        A party appearing without counsel must keep the court and all parties apprised of his  
20 current address. L.R. 83-183(b). If mail directed to such a plaintiff is returned by the postal  
21 service and plaintiff fails to notify the court and opposing parties within 60 days thereafter of his  
22 current address, the court may dismiss the action without prejudice for failure to prosecute. *Id.*

23        More than 60 days have passed since the postal service returned the mail and plaintiff has  
24 not notified the court of his current address. Accordingly, it is hereby RECOMMENDED that  
25 this action be dismissed.

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1 These findings and recommendations are submitted to the United States District Judge  
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days  
3 after being served with these findings and recommendations, any party may file written  
4 objections with the court and serve a copy on all parties. Such a document should be captioned  
5 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
6 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
7 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).  
8 DATED: April 23, 2009.

8 || DATED: April 23, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE